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Federal Defenders  
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May 19, 2020

The Honorable Nelson Stephen Roman  
United States District Court Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: United States v. Neftali DesJesus Cantoral-Monroy  
20 CR 165 (NSR)

Dear Honorable Roman:

I hope this letter finds you well. I am writing to ask that you please allow Mr. Cantoral-Monroy to be sentenced remotely via a telephonic hearing. I have informed Mr. Cantoral-Monroy that in light of the COVID-19 epidemic, in person sentencing are not currently possible. After discussing his options with the assistance of an interpreter Mr. Cantoral-Monroy told me that he would like to keep the May 29, 2020 sentencing date and that he consents to a telephonic sentencing. I have attached the applicable consent form, which Mr. Cantoral-Monroy authorized me to sign on his behalf.

In light of Mr. Cantoral-Monroy's request to proceed telephonically, I ask that you please exercise your discretion and allow this matter to proceed with a telephonic sentencing. This is authorized under § 15002(b)(2) of the CARES Act, which allows for telephonic sentencing where delay would cause a "serious harm to the interest of justice".<sup>1</sup> In this case, a delay would cause serious harm to the interest of justice because it could very well result in increased and unnecessary incarceration. Mr. Cantoral-Monroy has been in custody for roughly nine months,<sup>2</sup> Probation is recommending a sentence of eight months and my sentencing submission asks for a sentence of time-served. Under these circumstances, a delayed sentence could very well cause serious harm to justice as it could lead to unnecessary incarceration that is unnecessary.

I have spoken to AUSA Benjamin Gianfoti and he does not object to a telephonic sentencing.

Thank you for your consideration.

Sincerely,



Benjamin Gold

cc: AUSA Benjamin Gianfoti

<sup>1</sup> A copy of the applicable portion of the CARES Act, as well as Chief District Judge McMahon's order regarding remote proceedings, is attached to this letter as Exhibit A and B.

<sup>2</sup> Mr. Cantoral-Monroy was initially held under a federal detainer following his arrest for a state driving offense. He was transferred to federal custody on January 16, 2020.